

## Chemical Weapons Incineration: Applicable Environmental Laws

There are several federal environmental laws regulating the Army's use of incinerators to destroy chemical weapons. The U.S. Environmental Protection Agency, or EPA, is the government's lead agency for environmental laws, and individual states can enforce these rules. In some cases, states have passed environmental laws that are more stringent than the federal ones. The Army works closely with these federal, state and local agencies to ensure its chemical weapons incinerators comply with all necessary regulations.

### Laws Impacting Airborne Emissions

#### *Clean Air Act (1970)*

- Provides for federal and interstate cooperation to maintain air quality.
- Authorizes states to enforce clean air regulations.
- Sets national air quality standards for six pollutants (particulate matter, nitrogen oxides, sulfur dioxides, lead, ozone and carbon monoxide).
- Applies to chemical waste incinerators, which typically emit particulate matter, metals, dioxins and furans, and acid gases.
- Instituted standards to require testing of incinerator effectiveness and certification requirements for operators. Deviations from these standards may result in a shutdown of the facility.
- Requires facilities to identify public health hazards and implement plans to prevent accidents. The EPA can require facilities to monitor, keep records, submit reports and utilize specific operational practices.

### Laws Impacting Disposal Facilities and Waste Streams

#### *Comprehensive Environmental Response, Compensation and Liability Act (1980)*

- Requires a pollution prevention strategy and facility-specific plans for any action involving toxic chemicals or hazardous substances.
- Mandates emergency response actions and reporting in the case of an accidental release of hazardous substances.

- Provides federal authority to respond directly to releases that may endanger public health or the environment.
- Establishes prohibitions and requirements concerning closed and abandoned hazardous waste sites.

#### *Clean Water Act (1977)*

- Requires the use of "best practices" to control and contain toxic chemicals at disposal facilities
- Requires all industrial wastewater to be treated before being discharged into waterways.

#### *Resource Conservation and Recovery Act (1976)*

- Includes rules to reduce air emissions from hazardous waste management units.
- Requires that permits be issued before hazardous wastes can be stored, even in anticipation of incineration.
- Restricts potential locations of hazardous waste storage sites.
- Specifies when weapons are considered hazardous waste. Those identified as hazardous waste are subject to more stringent handling and storage requirements. Definitions of hazardous waste may vary from state to state.

#### *Toxic Substances Control Act (1976)*

- Regulates the storage and destruction of materials containing poly-carbonated biphenals (PCBs).
- Applies to stockpile disposal sites that will dispose of M-55 rockets, which have PCBs in their shipping and firing tubes. One national permit covers all sites disposing of M-55 rockets.
- Requires a minimum of 99.9999 percent PCB destruction and removal.

### Laws Protecting the Environment in General

#### *Floodplain Management Act (1977)*

- Requires federal agencies to restore and preserve the natural values served by floodplains.
- Requires a study on the action's potential effects on floodplains.

*continued on back*

*continued from front*

***Protection of Wetlands Executive Order (1977)***

- Requires federal agencies to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance them when acquiring, managing and disposing of federal lands and facilities.
- Requires agencies to consider public health, the maintenance of natural systems and other public uses of the wetlands when planning activities in these areas.

***Endangered Species Act (1973)***

- Provides a program for the conservation of threatened and endangered species and their habitats.
- Requires consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service if a listed species may be negatively impacted by federal actions.

***National Environmental Policy Act (1969)***

- Requires federal agencies to file an Environmental Impact Statement.
- Considers the environmental impacts and reasonable alternatives for major federal actions that could have a significant effect on human quality of life.

To learn more about these laws, and the Army's compliance with them, please contact your local outreach office or the Program Manager for Chemical Demilitarization's Public Outreach and Information Office at (800) 488-0648.